

File No: 199476-3-C2
Registry: Vancouver

In the Provincial Court of British Columbia

REGINA

v.

JORDAN LEE DEGROOT

**REASONS FOR SENTENCE
OF
THE HONOURABLE JUDGE LOW**

COPY

Crown Counsel:

M. Sheardown

Defence Counsel:

J. Bahen

Place of Hearing:

Vancouver, B.C.

Date of Judgment:

December 17, 2008

[1] THE COURT: Mr. Degroot has, with the consent of the Crown, pled guilty to the aggravated assault of [REDACTED] on the 8th of June, 2008.

[2] The Crown has provided a very thorough review of the circumstances of the offence, and I will summarize it very briefly. Mr. Degroot entered into [REDACTED] private room at the Regent Hotel, armed with a club which appears to be fashioned from a branch, and beat [REDACTED] severely.

[3] [REDACTED] was injured very badly, suffering a variety of broken bones, including ribs, the ulna and his finger. Most significantly his head was beaten very badly, and as a result [REDACTED] to this day suffers some brain damage.

[4] [REDACTED] has filed a Victim Impact Statement, which I have read. It is a poignant and compelling statement, in the sense that [REDACTED] who I think I can assume was living a modest life at the Regent Hotel, not only because of this attack and having to spend some time in hospital, lost all of his personal possessions and is now, as I understand from the Crown, living a somewhat itinerant life, travelling throughout the province, staying with friends.

[5] Fortunately he appears to have come under the care of a support group, who assist people who suffer from brain injury, and they are assisting [REDACTED] in making further contact with medical help. Right now, however, it cannot be determined what the ultimate prognosis for [REDACTED] is.

[6] Mr. Degroot does have a related criminal record, albeit a brief one. He was sentenced on February 4th, 2008, for a simple assault. He was given a conditional discharge, because at the time he would have been either 33 or 34 years old, and I do not have the details before me, but presumably he did not have a criminal record at the time, and he was given a discharge. He was on probation at the time he committed this offence, a few months later on the 8th of June, 2008.

[7] The Crown has correctly pointed out that the circumstances of the offence for which he was sentenced in February had a similar troubling aspect, in that Mr. Degroot punched a woman in the face without any known reason to do so. Similarly in the case before me, Mr. Degroot did not know [REDACTED] and did not have any relationship of him whatsoever.

[8] Mr. Degroot recalls going into the hotel, apparently on the advice of some other person that there possibly was a room available for him in the hotel, and had an encounter with

someone other than [REDACTED]

[9] This encounter was very upsetting to Mr. Degroot and he does recall finding the club in the hotel. He recalls using the club after entering [REDACTED] room to beat [REDACTED] but Mr. Degroot is unable to explain why he did that.

[10] Mr. Degroot has entered a plea of guilty to the charge and although he did so basically on the morning of the first day set for trial, both the Crown and Mr. Bahen, and I accept this, have told me that Mr. Degroot almost from the outset has always accepted responsibility for the aggravated assault of [REDACTED]

[11] The only issue for Mr. Degroot was that he at no time had any intention to kill [REDACTED] and it was the process of sorting out that legal issue that led to some delay in this matter being resolved earlier.

[12] The Crown has quite properly invited the Court to give Mr. Degroot the full credit to which he is entitled by entering his guilty plea. I accept that Mr. Degroot has done so to indicate his remorse for this matter and to indicate that he fully accepts responsibility for this very terrible thing.

[13] I think it is proper for me to point out that in a sense this crime seems a double tragedy. Not only has [REDACTED] been terribly injured, possibly permanently brain damaged, while on the other hand Mr. Degroot presents as a tragic figure.

[14] He is apparently a highly intelligent and gifted man. He has a Master's Degree in Environmental Science, up until recently was gainfully employed in that field, and yet due to some medical problems and mental health issues he is no longer able to maintain that employment and has seemingly been in some sort of downward spiral since about 2004. It is a very sad thing to see a young man like Mr. Degroot, with all his potential, in this very terrible situation.

[15] Counsel have put before me a joint submission that the appropriate sentence in this matter is five years, to be served in a federal penitentiary. The joint submission is to the effect that such a sentence is within the range described by the B.C. Court of Appeal in a number of cases the Crown has put before me. I will refer to only one of them, **R. v. Johnson**, [1998] B.C.J. No. 2924, which describes the range, I agree with counsel that the range for this type of an offence is 16 months to six years.

[16] Something at the high end of the range is appropriate in this matter, because this was a completely unpremeditated attack, a vicious attack, and there is really no explanation for it.

[17] Mr. Degroot has spent now six months in pretrial custody. He is entitled to the usual credit of doubling that time and I give him that credit. He has already served 12 months of his sentence. The sentence today on the offence of aggravated assault, as it pertains to Count 1, is four years.

[18] There will be an order that a sample of his DNA be taken.

[19] There will be an order under s. 109 that he not possess any of the described items described in s. 109 for a period of ten years.

[20] There will also be an order under that section that any of those items that he does possess he will surrender to the Vancouver City Police forthwith upon his release.

[21] Is there anything else that counsel wish me to deal with?

[22] MR. SHEARDOWN: Crown directs a stay of proceedings with respect to the remaining counts on the Information, and as well the earlier C Information.

[23] THE COURT: Yes. I must say the Court is obliged to counsel for their very professional conduct of what I regard as a most difficult matter.

[24] MR. BAHEN: Thank you, Your Honour.

(REASONS FOR SENTENCE CONCLUDED)